

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

MESA INDUSTRIES, INC.,	:	Case No. 1:22-cv-160
	:	
Plaintiff,	:	(Judge)
	:	
-v-	:	
	:	
CHARTER INDUSTRIAL SUPPLY, INC., et al.	:	
	:	
	:	
Defendants.	:	

CERTIFICATE OF COUNSEL

Pursuant to Rule 65(b) of the Federal Rules of Civil Procedure, Mark J. Chumley, an attorney duly licensed to practice before this Court and trial attorney for Plaintiff Mesa Industries, Inc. (“Mesa”) in this action, hereby certifies that:

1. On October 21, 2020, my colleague John Milligan at my firm sent Alex Espinoza (“Espinoza”) a letter via certified mail and email to remind him of his obligations under a Non-Compete and Non-Disclosure Agreement (“Agreement”) he entered into with Mesa, specifically his obligation not to use or disclose any of Mesa’s confidential information or trade secrets. Charter Industrial Supply Inc. (“Charter”) was copied on that letter.

2. On October 27, 2020, Espinoza responded to that letter via email, stating that he has not used any of Mesa’s confidential or trade secret information in any manner including in his employment with Charter.

3. Despite Espinoza’s assurances, Mesa has discovered that Espinoza, Charter, and others including Kyle King (“King”) have been utilizing Mesa’s confidential and trade secret information.

4. Mesa seeks the limited relief requested in its Motion for Temporary Restraining Order and/or Preliminary Injunction (“Motion”), *ex parte*, and without advance notice to Defendants so that Mesa may effectively operate its business free from unfair competition caused by the ongoing misappropriation of its trade secrets. Mesa has previously relayed its demand to Espinoza that he not utilize its confidential and trade secret information. After giving false assurances that he would not do so, Espinoza continues to do just that along with Co-Defendant King for the benefit of Defendant Charter.

5. I intend to serve Mesa’ Complaint, Motion, and all related pleadings and materials by overnight mail immediately upon requesting to meet with the Court *ex parte*, as permitted by Federal Civil Rule 65.

Respectfully submitted,

/s/ Mark J. Chumley
Mark J. Chumley (0067321)
Gregory J. Robinson (0091290)
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Attorneys for Plaintiff,
Mesa Industries, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on the 29th day of March, 2022, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system. Notice of this filing will be sent to counsel of record by operation of the Court's electronic filing system. Parties may access this filing through the Court's system. A copy of this filing was also served, via certified mail and UPS overnight delivery, on the named Defendants as follows:

CHARTER INDUSTRIAL SUPPLY, INC.
7832 Ostrow St.
San Diego, CA 92111

and

ALEJANDRO ESPINOZA
845 N. 11th Avenue
Upland, California 91786-4009

and

KYLE KING
4311 W 71st Ct
Tulsa, OK 74132

/s/ Gregory J. Robinson
Gregory J. Robinson

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